

1 UNITED STATES BANKRUPTCY COURT

2 EASTERN DISTRICT OF NEW YORK

3 Case No. 1-17-46613-NHL

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5 In the Matter of:

6

7 BRACHA CAB CORP,

8

9 Debtor.

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12

13 United States Bankruptcy Court

14 271-C Cadman Plaza East

15 Brooklyn, NY 11201

16

17 January 12, 2018

18 10:24 AM

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23 B E F O R E :

24 NARAR KHODOROVSKI

25 U.S. TRUSTEE

1 HEARING re 341 Meeting of Creditors

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25 Transcribed by: Sonya Ledanski Hyde

1 A P P E A R A N C E S :

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3 ROSENBERG MUSSO & WEINER LLP

4 Attorney for Debtor

5 26 Court Street, Suite 2211

6 Brooklyn, NY 11242

7

8 BY: BRUCE WEINER

9

10 OFFICE OF THE UNITED STATES TRUSTEE

11 U.S. Trustee

12 Eastern District of NY (Brooklyn Office)

13 U.S. Federal Office Building

14 201 Varick Street, Suite 1006

15 New York, NY 10014

16

17 BY: NARAR KHODOROVSKI

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P R O C E E D I N G S

MR. KHODOROVSKI: Let the record reflect that the date today is the 12th of January, 2018, and the time now is 10:24 a.m. The name of these cases is in re: Bracha Cab Corp., et al. Docket Number is 17-46613. The cases have been assigned to Judge Lord.

So, what I'm going to do right now, Interpreter... Interpreter, so please raise your right hand as the interpreter. Interpreter, do you swear or affirm that the translation you are about to give at this Section 341, a meeting of creditors, will be from English to Georgian and from Georgian to English, and that you promise to truthfully and correctly translated and interpret?

INTERPRETER: Yes, I do.

MR. KHODOROVSKI: Okay, Interpreter, you may lower your right hand. So, please translate for me. Good morning.

MS. ELBERG: Good morning.

MR. KHODOROVSKI: My name is Nazar Khodorovski. N-A-Z-A-R, K-H-O-D-O-R-O-V-S-K-I. Nazar Khodorovski. I am an attorney with the United States Department of Justice, Office of the United States Trustee, and I will conduct this hearing.

My office supervises the administration of bankruptcy cases under the Bankruptcy Code. Debtors are

1 required to appear and be examined under oath regarding
2 their cases. And these examinations are recorded. And all
3 persons who question debtors must state their names and
4 indicate who they represent. And right now I would like to
5 ask the representative of this bankrupt company to be sworn
6 in, so please ask her to raise her right hand.

7 Do you swear or affirm to tell the truth, the
8 whole truth, and nothing but the truth?

9 MS. ELBERG: I swear.

10 MR. KHODOROVSKI: Go ahead, Interpreter.

11 MS. ELBERG: Yes, I do.

12 MR. KHODOROVSKI: Interpreter, please ask her to
13 lower her right hand. Please state your full name.

14 MS. ELBERG: My name is Esma Elberg.

15 MR. KHODOROVSKI: Interpreter, you don't need to
16 translate this. Ms. Elbert, can you give me your address?

17 MS. ELBERG: 1281 Carroll Street. Brooklyn, New
18 York, 11213.

19 MR. KHODOROVSKI: Okay. Mr. Weiner, and
20 Interpreter, let's -- maybe we can do it this way: How
21 about I ask her questions in English?

22 MR. WEINER: Yes.

23 MR. KHODOROVSKI: If at some point she doesn't
24 understand, the interpreter will step in.

25 MR. WEINER: That makes the most -- that makes

1 sense to me.

2 MR. KHODOROVSKI: Counsel -- I'm going to ask
3 counsel for the creditor, are you okay with that?

4 MR. FORSTOT: I'm okay with it.

5 MR. KHODOROVSKI: And, Mr. Piken, since you're
6 counsel to her personally, are you okay with that?

7 MR. PIKEN: I am.

8 MR. WEINER: If it gets somewhat technical, she
9 probably will want the interpreter.

10 MR. KHODOROVSKI: The interpreter. Okay,
11 Interpreter, so Nana, I'm going to give you a different
12 piece of instruction, okay?

13 INTERPRETER: Sure.

14 MR. KHODOROVSKI: Okay. So I've discussed with
15 the attorneys here and we have decided that I'm going to be
16 asking Ms. Elberg questions in English. If at some point
17 she doesn't understand, please stand by, Nana. So I'm going
18 to be asking questions in English. If at some point Ms.
19 Elberg doesn't understand, s he's going to ask you to
20 translate for her in Georgian, okay?

21 INTERPRETER: Okay, sure. I will be standing by.

22 MR. KHODOROVSKI: So, Nana, please stand by and I
23 will go in English. Okay? So, Ms. Elberg, what is your
24 relationship to Bracha Cab Corp and other related companies?

25 MS. ELBERG: This was my husband's business and my

1 husband (Indiscernible) 1,213 and...

2 MR. WEINER: I think she meant 2013.

3 MR. KHODOROVSKI: Okay, I'm sorry. You know what?

4 Actually, Mr. Weiner, I think we need to go back to the
5 interpreter.

6 MR. WEINER: Okay.

7 MR. KHODOROVSKI: Because the Debtor just
8 testified that her husband passed away in the 13th century.
9 And so I'm not making light of this but she just testified
10 that her husband passed away in the 13th century, so...

11 MS. ELBERG: No, I --

12 MR. KHODOROVSKI: No, Ms. Elberg, just please
13 wait. To make sure -- because you're testifying under oath
14 it seems to me better that we're going to go back to the
15 interpreter. So, okay, Nana?

16 INTERPRETER: Yes, I'm here.

17 MR. KHODOROVSKI: Okay, so I'm going to have to go
18 back to what we were doing before because the Debtor clearly
19 made a very serious mistake.

20 INTERPRETER: Okay.

21 MR. KHODOROVSKI: So, please ask her, Nana, how is
22 she related to Bracha Cab Corp and other related companies.
23 In other words -- just hold on -- please ask her if she owns
24 those companies and if she has any title or possession with
25 them.

1 MS. ELBERG: Well, I work for them and I have
2 medallion, and besides, after passing away in 2013,
3 everything whatever was owned by my husband went to me in
4 2014.

5 MR. KHODOROVSKI: So, do you own these companies?

6 MS. ELBERG: Yes.

7 MR. KHODOROVSKI: Okay. Are you the only owner of
8 these companies or does somebody else own them with you?

9 MS. ELBERG: No. Just me.

10 MR. KHODOROVSKI: Okay. Do you have a lawyer with
11 you this morning? Interpreter, can you please translate?

12 MS. ELBERG: Yeah, I have.

13 MR. KHODOROVSKI: Counsel, please note your
14 appearance.

15 MR. WEINER: Brue Weiner, Rosenberg Musso &
16 Weiner, attorneys for the Debtors.

17 MR. KHODOROVSKI: And Counsel?

18 MR. PIKEN: Robert W. Piken, Piken & Piken,
19 attorney for Esma Elberg, individual.

20 MR. KHODOROVSKI: Okay. Interpreter, you don't
21 need to translate this next question because it's going to
22 be directed to the lawyers. Can creditors and other parties
23 of interest note your appearances, identifies yourselves?

24 MR. FORSTOT: Jonathan Forstot of Troutman Sanders
25 on behalf of Capital One.

1 MR. KHODOROVSKI: And, Mr. Forstot, Capital One,
2 your client, is that a secured or an unsecured creditor?

3 MR. FORSTOT: Secured creditor.

4 MR. KHODOROVSKI: Okay. So, okay, Interpreter,
5 you can translate again because I'm going to be asking
6 questions of Ms. Elberg again. So, Ms. Elberg, are you
7 familiar with the information that is listed in this
8 bankrupt company's bankruptcy petition and its schedules?

9 MS. ELBERG: Yes, I understood everything. I know
10 everything.

11 MR. KHODOROVSKI: Mr. Weiner, do you have the
12 original signature on the petition?

13 MR. WEINER: I have all the petitioners here. I
14 have...

15 MR. KHODOROVSKI: Do you have -- can I see the
16 original signatures?

17 MR. WEINER: Original signatures...

18 MR. KHODOROVSKI: Well, do you have something with
19 a wet signature?

20 MR. WEINER: Here. I have...

21 MR. KHODOROVSKI: Okay, I'll just show her one and
22 we'll go from there. I'm just going to show her one.

23 MR. WEINER: That's an original. And I represent
24 -- I have the other 14 originals...

25 MR. KHODOROVSKI: Ms. Elberg, is that your

1 signature on the bankruptcy petition that Mr. Weiner is
2 showing you?

3 MS. ELBERG: Yes. Everything my signature.

4 MR. KHODOROVSKI: Okay. Ms. Elberg, are you
5 personally familiar with the business of these companies and
6 their finances?

7 MS. ELBERG: Yes. I have help in -- my daughter
8 helps me and my secretary.

9 MR. KHODOROVSKI: Have these companies filed for
10 bankruptcy before? Please wait for the interpreter.

11 MR. WEINER: Before today.

12 MS. ELBERG: No.

13 MR. KHODOROVSKI: Interpreter, please tell her to
14 wait until I finish asking the question. Then you will
15 translate, and then she will answer. Please explain that to
16 her, if you can, Interpreter. Thank you.

17 MS. ELBERG: Okay.

18 MR. KHODOROVSKI: Please ask her if she understood
19 the instruction.

20 MS. ELBERG: Yes.

21 WOMAN 1: You have to speak louder, Mom.

22 MR. WEINER: Speak up so she can hear you.

23 WOMAN 1: She can't hear you if you don't speak
24 up.

25 MS. ELBERG: I hear you. Yes.

1 MR. KHODOROVSKI: Have you ever filed for personal
2 bankruptcy?

3 MS. ELBERG: No. Just now.

4 MR. KHODOROVSKI: Okay, okay. Ms. Elberg, Ms.
5 Elberg, please, please wait until the interpreter translates
6 the question to you from English into Georgian, then you
7 will answer her in Georgian, and she will translate it back
8 to me in English, okay? So let me try this again. Have you
9 ever filed for personal bankruptcy?

10 MS. ELBERG: No, never before. Only now.

11 MR. KHODOROVSKI: Have any other companies or
12 businesses that you may have owned ever filed their own
13 bankruptcy cases, other than these companies?

14 MS. ELBERG: No.

15 MR. KHODOROVSKI: Okay, ma'am, please wait for the
16 interpreter. Interpreter, please translate and then we'll
17 go again.

18 MS. ELBERG: No.

19 MR. KHODOROVSKI: Okay. Have these bankrupt
20 companies opened new posed bankruptcy bank accounts?

21 MR. WEINER: That was a yes or no question.

22 MR. KHODOROVSKI: Okay, okay, Interpreter, I'm
23 going to re-ask the -- I'm going to re-ask the question in a
24 different way. I'm going to re-ask the question in a
25 different way. After these bankruptcy cases were filed, did

1 these companies open new bank accounts?

2 MS. ELBERG: I open.

3 MR. KHODOROVSKI: Ms. Elberg, please wait for the
4 interpreter, okay? I'm going to ask the question again, I'm
5 going to ask it of the interpreter, the interpreter will
6 translate it for you, okay? After these bankruptcy cases
7 were filed, did these companies open new bank accounts?

8 MS. ELBERG: Yes, I opened in the bank.

9 MR. KHODOROVSKI: Which bank?

10 MS. ELBERG: TD Bank.

11 MR. KHODOROVSKI: Okay, let the record reflect
12 that the United States Trustee has been provided with proof
13 of opening of Debtor in Possession accounts for these
14 companies at TD Bank. Do these companies currently have
15 insurance?

16 MS. ELBERG: Yes, they have insurance.

17 MR. KHODOROVSKI: Okay, let the record reflect the
18 United States Trustee has been provided with proof of
19 insurance for these companies. Okay, so I have proof of --
20 what do I have? Proof of Workers Compensation Insurance
21 that's current, I have proof of insurance from American
22 Transit, that's general liability, and that also is current,
23 and I have four other companies and it is also current. So
24 I have current proof of insurance.

25 Where are these companies' financial records

1 located?

2 MS. ELBERG: 1281 Carroll Street.

3 MR. KHODOROVSKI: I think she answered the
4 question. Interpreter, you don't need to translate. What
5 do these companies do?

6 MS. ELBERG: I have rented out the medallions for
7 those companies and they work and then they pay me back.

8 MR. KHODOROVSKI: What kind of medallions are
9 these? Are these taxi medallions?

10 MS. ELBERG: These are medallions for taxicabs.
11 And I don't have myself taxicabs, I don't have cars. I'm
12 just renting the numbers out and somebody else who has the
13 car, they are working and they are paying me back.

14 MR. KHODOROVSKI: Are these Yellow Taxi medallions
15 of Green Taxi medallions?

16 MS. ELBERG: Yellow.

17 MR. KHODOROVSKI: Okay. Who started these
18 companies?

19 MS. ELBERG: Well, my husband started before he
20 passed away.

21 MR. KHODOROVSKI: How long -- go ahead, go ahead,
22 Interpreter.

23 INTERPRETER: Yes, I just wanted to translate up
24 to there what she said. She said...

25 MS. ELBERG: My husband started before he passed

1 away and then after he passed away, it went to me.

2 MR. KHODOROVSKI: What was your husband's name?

3 MS. ELBERG: Jacob Elberg.

4 MR. KHODOROVSKI: Interpreter, you don't need to
5 translate. I understood the answer. Are you the only owner
6 of these companies?

7 MS. ELBERG: Yes. Only me.

8 MR. KHODOROVSKI: Do you receive a salary from
9 these companies?

10 INTERPRETER: Sir, I think I need clarification
11 from her. She did not use the -- like, word salary.

12 MS. ELBERG: Yes. Yes, I was taking salary.

13 MR. KHODOROVSKI: How much salary did you receive
14 in 2017, last year?

15 MS. ELBERG: I don't know.

16 MR. KHODOROVSKI: How much salary did you receive
17 in 2016?

18 MS. ELBERG: I don't remember.

19 MR. KHODOROVSKI: Since your husband died, did
20 anyone other than you own these companies?

21 MS. ELBERG: No, no one.

22 MR. KHODOROVSKI: Other than these companies that
23 have filed bankruptcy, do you own any other companies?

24 MS. ELBERG: No, I don't have anything else --
25 Esma Management.

1 MR. WEINER: I think she meant except Esma
2 Management.

3 MR. KHODOROVSKI: I understood that, Mr. Weiner,
4 thank you. Esma Management. What does Esma Management do?

5 MS. ELBERG: Well, I rent out medallions and
6 besides, I pay whatever taxes are needed to be paid.

7 MR. KHODOROVSKI: Are you the only owner of Esma
8 Management or does somebody else own it with you?

9 MS. ELBERG: No, I'm the only sole owner. Just
10 sometimes my daughter and my secretary help me.

11 MR. KHODOROVSKI: Okay. Now I'm going to ask you
12 again questions about these companies that have filed
13 bankruptcy; not Esma Management. Okay, these companies that
14 have filed bankruptcy, do these companies have any
15 employees?

16 MS. ELBERG: Right now, no one.

17 MR. KHODOROVSKI: Do these companies owe any
18 employees any unpaid salary?

19 MS. ELBERG: No, nothing. No, nothing.

20 MR. KHODOROVSKI: Do these companies owe the State
21 of New York or the IRS any taxes?

22 MS. ELBERG: No, nothing at all. Income tax, like
23 IRS, I guess...

24 INTERPRETER: Interpreter is speaking now. Sent
25 me back to (Indiscernible) something, and I just sent them

1 back.

2 MS. ELBERG: No, I pay extra and they sent me back
3 check.

4 MR. KHODOROVSKI: They gave you a refund?

5 MS. ELBERG: Refund.

6 MR. KHODOROVSKI: Okay, I understand. Okay, okay.
7 What kind of expenses do these companies have?

8 INTERPRETER: I need clarification, sir.

9 MS. ELBERG: I pay a salary to my secretary and
10 I'm just paying taxes, nothing else.

11 MR. KHODOROVSKI: What is the secretary's salary?
12 How much is it?

13 MS. ELBERG: 40,000 per year.

14 MR. KHODOROVSKI: Is that before taxes or after
15 taxes?

16 MS. ELBERG: Okay, before taxes.

17 MR. KHODOROVSKI: Does the secretary also receive
18 any salary from Esma Management?

19 INTERPRETER: One second.

20 MR. KHODOROVSKI: Okay, Interpreter, can you
21 please ask Mr. Elberg if she would like to take a break?

22 MS. ELBERG: Okay.

23 MR. KHODOROVSKI: Interpreter?

24 INTERPRETER: Yes, she wants a break.

25 MR. KHODOROVSKI: Okay. So what we're going to do

1 is we're going to take a break right now. The time now is
2 10:50 a.m. on the 12th of January, 2018. We're going to
3 take a break. I'm going to ask the interpreter to stand by.
4 Okay, Nana, can you stand by while we're taking a break?

5 INTERPRETER: Okay, yes.

6 MR. KHODOROVSKI: Thank you.

7 INTERPRETER: Yes, sure.

8 MR. KHODOROVSKI: We're off the record. Thank
9 you.

10 [BREAK]

11 MR. KHODOROVSKI: -- please. Then we'll get
12 started again. We are back on the record of the Section
13 341A meeting of Bracha Cab Corp, et al., Case Number 17-
14 46613. The time now is 11 a.m. on the 12th of January of
15 2018. Interpreter, so, please, I'm going to re-ask my
16 question. Please translate this.

17 The secretary, does the secretary receive any
18 salary from Esma Management?

19 MS. ELBERG: Well, yes, I was paying salary to
20 secretary and to bookkeeper and whatever -- yes, whatever
21 taxes were needed to be paid I was paying from that.

22 MR. KHODOROVSKI: From Esma Management?

23 MS. ELBERG: Yes.

24 MR. KHODOROVSKI: Okay. Okay, let me ask
25 something else. Where the company is located, its office,

1 do these companies own their office or do they lease their
2 office?

3 INTERPRETER: I need clarification, sir.

4 MS. ELBERG: I don't know.

5 MR. KHODOROVSKI: Okay. I understand. I'm going
6 to ask -- go ahead, Interpreter, please translate.

7 MS. ELBERG: Okay. At first I had office in Long
8 Island City, and it was owned by my husband. But then
9 because the taxes were very high there, I could not afford
10 that and I sold that office and I moved it to 1281 Carroll
11 Street, and now it is located in my own house. So it means
12 I own it.

13 MR. KHODOROVSKI: So, 1281 Carroll Street, that is
14 a house where you live and you own that house, right?

15 MS. ELBERG: Yes, yes, you're correct. I have
16 office in the basement.

17 MR. KHODOROVSKI: And the medallions, the taxi
18 medallions --

19 WOMAN 1: The first floor, not the basement.

20 MR. KHODOROVSKI: The tax medallions, is there a
21 loan on the medallions?

22 MS. ELBERG: Very much. My husband took a loan on
23 them.

24 MR. KHODOROVSKI: Okay, when was the last time
25 that a loan payment was made on the medallions?

1 MS. ELBERG: Okay. Well, my husband has been
2 working to the same bank from where he took the loan for 17
3 years. So, at this time, medallions -- the cost of
4 medallions was very, very high, and we wanted to refinance
5 our loan but the bank -- but bank denied us. And actually
6 they made us to lose everything.

7 MR. KHODOROVSKI: Okay. I was asking something
8 different, but let me ask it in a different way. Were there
9 any payments made on the loan on the medallion in 2017?

10 MS. ELBERG: They took them only from my account.

11 MR. KHODOROVSKI: No, no. Hold on, hold on, hold
12 on. Please let -- I'm going to ask this question again
13 because I want the interpreter to finish interpreting and
14 you to wait until she finishes speaking, and then you will
15 answer, then she will translate for me, okay? Okay, so
16 we're going to...

17 INTERPRETER: Okay, may I translate for her this?

18 MR. KHODOROVSKI: Yes, yes, go ahead. Absolutely.
19 Interpreter, I apologize. I'm going to ask you to repeat
20 this because one of the attorneys was actually moving the
21 table, making it a little bit uncomfortable for me. So, if
22 you could, Interpreter, I'm going to ask you to interpret
23 again and I truly apologize.

24 Okay, so now I'm going to ask the question. Did
25 you make any payments on the taxi medallion loans last year

1 in 2017?

2 MS. ELBERG: Yes, they took \$300,000 from my
3 account from the same bank.

4 MR. KHODOROVSKI: What bank was that account in?

5 MS. ELBERG: Capital One.

6 MR. KHODOROVSKI: Okay. Did you make any payments
7 on the taxi medallion loans in 2016?

8 INTERPRETER: Can I take a break?

9 MR. KHODOROVSKI: Okay, we're going to take a very
10 brief break for a couple of minutes. Interpreter, we're
11 going to take a break. We're off the record at the meeting
12 of creditors in Bracha Cab. The time now is 11:09 a.m.
13 We're now off the record.

14 [BREAK]

15 MR. KHODOROVSKI: Go back on the record right now.
16 We're back on the record at the Section 341A meeting of
17 Bracha Cab Corp., et al., Case Number 17-46613. The time
18 now is 11:14 a.m. on the 12th of January, 2018.

19 Okay, so the question I'm going to ask again, and
20 Interpreter, please interpret. In 2016, did you make any
21 payments on the loans on the taxi medallions?

22 MS. ELBERG: Yes, I did. Yes, I paid. They took
23 everything out of my account, whatever was there.

24 MR. KHODOROVSKI: In 2016, what was your monthly
25 payment?

1 MS. ELBERG: They took \$50,000 every month.

2 MR. KHODOROVSKI: Okay, Interpreter, Interpreter,
3 I understood what she said in English. I think that answers
4 my question.

5 INTERPRETER: Okay.

6 MR. KHODOROVSKI: Okay. Let me ask something
7 different. What is Wailing Management, Inc.?

8 MS. ELBERG: Okay, that is Norman, who is renting
9 six medallions from my company.

10 MR. PIKEN: By counsel, it's Newman.

11 MR. KHODOROVSKI: Newman? N-E-W-M-A-N?

12 MR. WEINER: Those are the owners of it. That's
13 one of the management companies that operates some of the
14 medallions.

15 MR. KHODOROVSKI: Do you own any part of Wailing
16 Management?

17 MS. ELBERG: No.

18 MR. KHODOROVSKI: Do you want to have Wailing
19 Management continue to manage your medallions or do you want
20 somebody else to do it instead of them?

21 MS. ELBERG: No, they are good. They running
22 good.

23 INTERPRETER: Okay.

24 MR. KHODOROVSKI: She answered in English.
25 Interpreter, she answered in English. I understood her

1 answer. Okay. How -- last month, in December of 2017, how
2 much money did the medallions bring in in total?

3 MS. ELBERG: \$12,300 plus 21,500 and 7,000.

4 MR. KHODOROVSKI: That was all in December? All
5 last month, right?

6 MS. ELBERG: Yes.

7 MR. KHODOROVSKI: Okay. Right now, as we sit here
8 this morning, do these companies have a profit or a loss?

9 MS. ELBERG: Loss. Okay, I don't know.

10 MR. KHODOROVSKI: Last year, did these companies
11 have a profit or a loss? Last year being 2017.

12 MS. ELBERG: I don't know. I have not gotten my
13 tax return yet.

14 MR. KHODOROVSKI: Okay. Mr. Weiner, I'm going to
15 ask you when these companies -- so I have the 2016 tax
16 returns...

17 MR. WEINER: Yes.

18 MR. KHODOROVSKI: So, what I'd like is as soon as
19 the 2017 returns are filed, I would like to get copies of
20 them, okay?

21 MR. WEINER: Of course.

22 MR. KHODOROVSKI: Okay, Interpreter, please
23 translate. Ma'am, can you please hold on? I need to ask
24 something of the interpreter. Interpreter, please ask, do
25 these companies -- do these companies own any houses,

1 condominiums, land, real property?

2 MS. ELBERG: No. No, only medallions.

3 MR. KHODOROVSKI: Would you like to sell these
4 medallions?

5 MS. ELBERG: No. Those medallions, they are like
6 my property. Like, they have to bring me income just to put
7 bread on my table.

8 MR. KHODOROVSKI: Last year in 2017, did these
9 companies sell anything or give anything to anybody?

10 MS. ELBERG: No, no, they did not.

11 MR. KHODOROVSKI: Okay. After these companies
12 filed bankruptcy, have they made any payments to any of
13 their creditors?

14 MS. ELBERG: No, no, they did not.

15 MR. KHODOROVSKI: Okay. So, Mr. Weiner?

16 MR. WEINER: Yes?

17 MR. KHODOROVSKI: Can you please turn -- hold on,
18 ma'am. Just please wait. I am speaking to your lawyer.
19 Mr. Weiner, please show to your client Schedule A/B in the
20 (Indiscernible) case Bracha Cab Corp, and please turn her to
21 Question 71, 7-1, in the Schedule A/B. And please tell me
22 when you've shown it to her. And actually show it -- just
23 leave it in front of her, if you can. Thank you.

24 Okay, Interpreter, please ask her if she sees that
25 document in front of her.

1 MS. ELBERG: Yes.

2 MR. KHODOROVSKI: Okay. So, you see there it says
3 that this company made a loan to your late husband of about
4 \$1.2 million. Do you see that?

5 MS. ELBERG: Yes, I do. I see that.

6 MR. KHODOROVSKI: What is this loan?

7 MS. ELBERG: I don't know. This is just my
8 husband who took a loan from those banks.

9 MR. KHODOROVSKI: No, no. I'm not sure she
10 understands the question that I asked. What I'm saying is -
11 - it says here that the company, Bracha Cab Corp, gave your
12 late husband a \$1.2 million loan. What happened to this
13 \$1.2 million?

14 MS. ELBERG: I don't know. I was a housewife.
15 Only my husband was dealing with the business. I don't know
16 that.

17 MR. KHODOROVSKI: I understand. Okay. When your
18 husband passed away, was there an estate in Surrogate's
19 Court?

20 MS. ELBERG: Okay. There was only the will, which
21 he wrote, that after passing away, everything should have
22 come to me.

23 MR. KHODOROVSKI: Okay, I understand.

24 MR. WEINER: There is a contested proceeding in
25 Surrogate's Court.

1 MR. KHODOROVSKI: There's a contested proceeding
2 in Surrogate's Court, okay. Mr. Weiner, can you do me a
3 favor? So, what I need to know is, regarding the
4 Surrogate's Court proceeding, if you can get me the index
5 number?

6 MR. WEINER: Yes, we can do that.

7 MR. KHODOROVSKI: I would appreciate it. And the
8 docket, if possible. If you can't get the docket it's okay,
9 just get me the index number, but docket if possible. I'm
10 not giving you a deadline. Just get it to me as soon as you
11 can.

12 MR. WEINER: Okay. I understand.

13 MR. PIKEN: We will do that.

14 MR. KHODOROVSKI: Okay. Let me ask you this
15 question. Why did these companies decide to file for
16 bankruptcy?

17 MS. ELBERG: Bank doesn't give me loan. They
18 promise me. And they want to take my medallions.

19 MR. KHODOROVSKI: I understand.

20 MS. ELBERG: Even when was high, the medallions
21 price, they promise me and I wait two years.

22 WOMAN 1: Three years.

23 MS. ELBERG: Three years to get the answer from
24 them.

25 MR. KHODOROVSKI: Okay. Interpreter, please

1 translate this question. As you sit here today, Ms. Elberg,
2 are you currently under any audit or investigation by any
3 government agencies?

4 MS. ELBERG: No.

5 MR. KHODOROVSKI: You don't need to translate.
6 She answered in English. In the last five years, have you
7 been under any audit or investigation by any government
8 agency? You personally?

9 MS. ELBERG: No.

10 MR. KHODOROVSKI: Have these companies been under
11 any audit or investigation by any government agency in the
12 last three years? Okay, Interpreter, she's going to not
13 answer in... So I'm going to repeat the question,
14 Interpreter.

15 INTERPRETER: Okay.

16 MR. KHODOROVSKI: Have these companies been under
17 any audit or investigation by any government agency in the
18 last three years?

19 MS. ELBERG: Merab Cab Corporation.

20 MR. KHODOROVSKI: What happened with Merab Cab?
21 Why was it under investigation or audit?

22 MR. WEINER: It might've been more than three
23 years ago.

24 WOMAN 1: It was four years ago.

25 MS. ELBERG: Four years ago.

1 MR. KHODOROVSKI: Okay, then...

2 MR. PIKEN: It was 2011.

3 MR. KHODOROVSKI: Okay, okay. In 2011? That was
4 seven years ago.

5 WOMAN 1: 2010 and '11...

6 MR. WEINER: Well, it might've lasted into four
7 years ago.

8 MR. PIKEN: It did, yeah.

9 WOMAN 1: Yeah. It was four years ago.

10 MR. PIKEN: It was resolved four years ago.

11 MR. KHODOROVSKI: Resolved four years ago. Okay,
12 I asked about three years ago.

13 MR. PIKEN: Sorry.

14 MR. KHODOROVSKI: No problem. That is okay, that
15 is okay. As we sit here right now, are any of these
16 companies under any audit or investigation by any government
17 agency?

18 MS. ELBERG: No.

19 MR. KHODOROVSKI: Okay, Mr. Weiner, I'm going to
20 need to ask you some things. So, if you remember, earlier
21 in this examination we discussed the salary that Mr. Elberg
22 gets, and remember, she indicated, you know, that she gets
23 salaries? So, the -- so what's listed in Question 30,
24 that's basically, she gets a distribution in the management
25 fee, just so I understand?

1 MR. WEINER: Well, the way the companies have been
2 operated in the past is that money would go into Esma
3 Management, who would then pay some money to her and also to
4 the bookkeeper as well as other expenses like the accountant
5 and whatever taxes needed to be -- come due, rather than
6 writing 15 individual checks.

7 Since the filing, all the money has just gone into
8 the 15 Debtor in Possession accounts; no money has been
9 disbursed to anyone. We're trying to -- we have, you know -
10 - pending trying to work out a budget with the bank and
11 trying to figure out what's the easiest way to do that.
12 Whether we should be now doing it 15 different ways or
13 continue to use Esma Management -- we haven't decided. And
14 your thoughts on the matter would also be --

15 MR. KHODOROVSKI: But does Esma -- let me just
16 sort of ask it in a different way.

17 MR. WEINER: Yeah.

18 MR. KHODOROVSKI: Does Esma get a management fee?
19 Is Esma still getting a management fee?

20 MR. WEINER: No. No, nobody has gotten anything
21 since the filing.

22 MR. KHODOROVSKI: Okay. But -- I apologize, I'm
23 speaking to Mr. Weiner right now. I apologize, Ms. Elberg,
24 I just wanted to finish my conversation with him, and then
25 definitely you can discuss with him the issue that I'm

1 discussing with him right now.

2 My question is so, before -- so, since the filing
3 --

4 MR. WEINER: Right.

5 MR. KHODOROVSKI: -- since the filing, all the
6 money that's been made from the medallions have been going
7 to the Debtor in Possession accounts?

8 MR. WEINER: Yes. There's about --

9 MR. KHODOROVSKI: And it's not been going to Esma?

10 MR. WEINER: No. It's all in the 15 Debtor in
11 Possession accounts. There's about -- a little over
12 \$101,000 as of the end of the day Wednesday.

13 MR. KHODOROVSKI: So they're all going to the DIP
14 account, and nothing is going to Esma?

15 MR. WEINER: Nothing is going to Esma or anybody
16 else.

17 MR. KHODOROVSKI: Okay, that's what I wanted to
18 know right now. But before the filing, there was a
19 distribution to Ms. Elberg and a management fee to Esma?

20 MR. WEINER: Well, there was a distribution to
21 Esma and then she took some money out of Esma.

22 MR. KHODOROVSKI: I understand now. So, the
23 distribution came directly from the taxi medallion holders
24 to Esma...

25 MR. WEINER: Right.

1 MR. KHODOROVSKI: And then Ms. Elberg took a
2 distribution from that money?

3 MR. WEINER: Yes.

4 MR. KHODOROVSKI: Now I understand. Okay. Okay,
5 the next question is also for you. So, businesswise, Mr.
6 Weiner, or legally --

7 MR. WEINER: Yes?

8 MR. KHODOROVSKI: -- what do these companies need
9 to do to get out of bankruptcy?

10 MR. WEINER: Well, there's -- these companies on
11 their own, given the reduction both in the value of the
12 medallions and the income that they generate over the last
13 two or three years, as everybody is aware of in this
14 industry, cannot generate enough money to get out of it.
15 But there is a large amount of money sitting in an escrow
16 account from the sale of the buildings that her husband
17 owned in Queens. And that money is tied up in the
18 litigation --

19 MR. KHODOROVSKI: Folks, folks? I apologize. If
20 you could just let Mr. Weiner speak, because I need to have
21 him be heard for the record.

22 MR. WEINER: And there's litigation pending both
23 in State Supreme Court and the Surrogate's Court regarding
24 this money, and we are hoping to be able to use that money
25 to pay -- to pay the bank.

1 Ideally, it would be to pay them down
2 significantly and have them refinance a much smaller
3 balance, something that the companies can afford to keep --
4 afford to pay. Because these companies do generate -- they
5 do generate money every month, and there's a belief that the
6 taxi medallion business has sort of hit bottom and might
7 start to improve in the near future. But even if it stayed
8 at its current level, these companies generate money and
9 could service a much smaller amount of debt with really --
10 you know, without any problems.

11 MR. KHODOROVSKI: Well, let me ask something in a
12 slightly different way. What I wanted to understand is --
13 so you said there's litigation regarding the proceeds from
14 the sale of the buildings in Queens?

15 MR. WEINER: Yes. Yes.

16 MR. KHODOROVSKI: And that's tied up in
17 Surrogate's Court and what other court you said?

18 MR. WEINER: And it's also in State Supreme Court.

19 MR. KHODOROVSKI: State Supreme Court. Which
20 county?

21 MR. WEINER: New York.

22 MR. KHODOROVSKI: Manhattan?

23 MR. WEINER: Yes.

24 MR. KHODOROVSKI: Okay. So what I'd like to ask
25 you --

1 MR. WEINER: The Surrogate's Court is in Brooklyn.

2 MR. KHODOROVSKI: Brooklyn Surrogate's Court and
3 State Supreme in Manhattan?

4 MR. WEINER: Yes.

5 MR. PIKEN: Correct.

6 MR. KHODOROVSKI: Okay, so what I'm going to need
7 from you is, regarding those -- the proceedings regarding
8 the buildings?

9 MR. WEINER: Yes.

10 MR. KHODOROVSKI: What I'd like to get are the
11 index numbers and dockets for those State Court proceedings,
12 okay?

13 MR. WEINER: Okay. We will do that, too. It's
14 just the two cases, right?

15 MR. KHODOROVSKI: Just the State Court cases, yes,
16 that's what I need. Index numbers and dockets. Okay?

17 MR. WEINER: Yeah. We will get that to you.

18 MR. KHODOROVSKI: Okay. Now, let me ask you this.
19 Are the companies going to continue paying Ms. Elberg
20 from...?

21 MR. WEINER: We haven't figured out what the
22 proper thing to do... Maybe it'd make more sense for her to
23 not get a salary but maybe get a small amount of rent every
24 month, and then she can live off -- she can use that as her
25 salary. We will need to pay a salary to the bookkeeper,

1 because the bookkeeper is doing --

2 WOMAN 1: And the taxes.

3 MR. WEINER: Because the bookkeeper is doing work,
4 you know, and then there is an accountant who will need to
5 be retained -- get a small fee just for preparing tax
6 returns. The bookkeeper will be able to do all the
7 operating reports every...

8 MR. KHODOROVSKI: The bookkeeper will stay on
9 salary?

10 MR. WEINER: Right.

11 MR. KHODOROVSKI: Okay. So, now the issue of Ms.
12 Elberg's salary has not been figured out?

13 MR. WEINER: We have not figured out what the best
14 way to --

15 MR. KHODOROVSKI: And so you're going to have to
16 deal with a real cash collateral issue, obviously?

17 MR. WEINER: Yes, we are.

18 MR. KHODOROVSKI: Okay.

19 MR. WEINER: Which is why, until this is worked
20 out, why all the money is just sitting there and nothing has
21 been disbursed.

22 MR. KHODOROVSKI: I understand. Okay. Okay, so
23 let me and you discuss the issue of retentions.

24 MR. WEINER: Yes.

25 MR. KHODOROVSKI: So you're going to need to file

1 your retention application, right?

2 MR. WEINER: Yes.

3 MR. KHODOROVSKI: And you also need to file a
4 (Indiscernible) motion.

5 MR. WEINER: We are going to do that also. The
6 only thing that could delay that slightly is that it's come
7 to my attention just within the last week that there are
8 some other creditors out there who have unliquidated
9 disputed contingent claims that we don't anticipate ever
10 getting to the Debtor to have to pay, but they need to be
11 listed as creditors.

12 These creditors are -- when you have cabs out on
13 the street of New York, they get into accidents.

14 MR. KHODOROVSKI: Personal injury claimants?

15 MR. PIKEN: Unresolved tort claims.

16 MR. WEINER: Some of them are property damage
17 claims, some of them are injury claims. They're unresolved,
18 and there has yet in the history of these companies to be a
19 claim that was not either, you know, resolved because their
20 claim was not valid or it wasn't paid by the insurance
21 company. But there are -- at any given time, when somebody
22 gets hurt, they may assert a claim not only against the
23 driver and the owner of the car but also against the owner
24 of the medallion. So --

25 MR. KHODOROVSKI: I understand. Okay. My last

1 question for you, Mr. Weiner, is when do these companies
2 expect to file a plan? 30 days? 60 days? 90 days? A
3 year? Two years? Three years?

4 MR. PIKEN: Are you giving us those options?

5 MR. KHODOROVSKI: I'm not giving you options. I'm
6 just saying what's the estimate?

7 MR. WEINER: It's really hard for me to do. It
8 would be certainly more than three months and less than a
9 year but I can't --

10 MR. KHODOROVSKI: So, in three months to a year?

11 MR. WEINER: Yeah.

12 MR. KHODOROVSKI: Okay, that's the kind of --
13 that's fine as far as answering the... Okay. So I'm done
14 with questions of Ms. Elberg. What I'm going to do right
15 now is -- Interpreter, please translate this: Ms. Elberg, I
16 have finished my questions of you. I'm going to give you
17 some instructions. So, Interpreter, please translate these
18 instructions.

19 Okay, every month these companies, each of these
20 companies is going to need to file what is known as a
21 monthly operating report. And these reports have to comply
22 with guidelines made by my office, and your lawyer has a
23 copy of those guidelines.

24 Every quarter -- every quarter my office is going
25 to send each of these companies a bill for what is known as

1 the United States Trustee quarterly fees. And as long as
2 this -- as long as these bankruptcy cases are open, each
3 quarter a bill will come.

4 And if you don't pay these fees -- and if these
5 companies... Withdrawn. If these companies don't pay these
6 bills on time, there will be interest assessed on unpaid
7 quarterly fees. Do you understand these requirements?

8 MS. ELBERG: Yes, I do.

9 MR. KHODOROVSKI: Do you understand that if these
10 companies do not file their monthly operating reports on
11 time and do not pay their quarterly fees on time, that my
12 client, the United States Trustee, might ask the Court to
13 dismiss these cases to convert them to Chapter 7 to
14 liquidate these companies or to have -- to ask the Court to
15 appoint a trustee to run these companies instead of you?

16 MS. ELBERG: Yes, I understand.

17 MR. KHODOROVSKI: Okay. So, Mr. Weiner --
18 Interpreter, you don't need to translate this -- Mr. Weiner,
19 again, I'm going to repeat the information I requested. I
20 need the 2017 tax return as soon as filed; and as soon as
21 you can, I'm going to need the index number and docket
22 number for the Surrogate's case; index numbers and docket
23 numbers for the Brooklyn and Manhattan proceedings involving
24 the buildings.

25 MR. WEINER: Yes.

1 MR. KHODOROVSKI: Okay? So, the United States
2 Trustee has completed questions of the Debtor. At this time
3 I'm going to turn the floor over to Creditors. Creditors,
4 please remember the instructions I've given you before.
5 Please address your questions to the interpreter, and you
6 may proceed. Once -- before you ask your first question,
7 you need to identify yourself and explain who you represent.

8 MR. FORSTOT: Thank you. Jonathan Forstot of
9 Troutman Sanders on behalf of Capital One.

10 MR. KHODOROVSKI: Interpreter, can you please
11 translate for Mr. Forstot as you did for me? And please
12 translate his introduction.

13 MS. ELBERG: I understand.

14 MR. KHODOROVSKI: Go ahead, Mr. Forstot.

15 MR. FORSTOT: Who is the decision maker for these
16 companies?

17 MR. KHODOROVSKI: I'm sorry, I don't understand
18 your question. What do you mean by that? Like, who decides
19 -- makes decision on a daily basis? I mean...

20 MR. FORSTOT: Who makes any decisions for these
21 companies?

22 MR. KHODOROVSKI: Okay. So you can go ahead and
23 ask the interpreter.

24 MS. ELBERG: I do.

25 MR. FORSTOT: That's been the case since you took

1 over these companies after your husband's passing?

2 MS. ELBERG: Yes. Yes, it was.

3 MR. FORSTOT: Does your daughter, who's in the
4 room with us today, have any position with any of these
5 companies?

6 MS. ELBERG: She's an executor.

7 MR. FORSTOT: But does she have any position with
8 these companies, not with the estate of your late husband
9 but with these companies that are in bankruptcy?

10 MS. ELBERG: No. No. It's just -- she just helps
11 me.

12 MR. FORSTOT: I'll also note for the record that
13 Ms. Elberg's daughter has been speaking throughout this
14 proceeding, coaching the answers, so I want to make that
15 clear on the record what she's been -- she's been speaking
16 in Georgian so I can't understand what she's been saying,
17 but she's been helping her mother answer all these
18 questions.

19 MR. KHODOROVSKI: Please proceed with the
20 questions.

21 INTERPRETER: Should I translate, sir?

22 MR. KHODOROVSKI: Yes, you should. Yeah, you can
23 translate, Interpreter, yes.

24 MR. FORSTOT: In the schedules that you filed and
25 signed in these cases you used the value of \$375,000 per

1 medallion, is that right?

2 INTERPRETER: Okay, can you clarify, sir?

3 MR. FORSTOT: Yes. Maybe it's a good idea to look
4 at -- show your client the same one she was just looking at
5 from Bracha as an example. Schedule A/B, Question 64.

6 MR. WEINER: The value for two medallions.

7 MS. ELBERG: 750,000.

8 MR. WEINER: For two?

9 MS. ELBERG: For two.

10 MR. FORSTOT: So, now that you've looked at that,
11 do you recall using the value of \$375,000 per medallion?

12 MS. ELBERG: Yes, that is correct.

13 MR. FORSTOT: Where did you get that value from?

14 MS. ELBERG: (Indiscernible)

15 MR. FORSTOT: I'm sorry?

16 MS. ELBERG: (Indiscernible) Limousine Commission.

17 MR. FORSTOT: Again, Ms. Elberg's daughter is
18 giving her these answers. Please translate.

19 MS. ELBERG: So, that's how I was told -- that
20 this is the value.

21 MR. FORSTOT: By whom were you told that this is
22 the value?

23 MS. ELBERG: Okay, everybody who has medallions,
24 everybody knows that.

25 MR. FORSTOT: Everybody knows that 375,000 is the

1 value? Is that what you're saying?

2 MS. ELBERG: Okay, it is now, but before it was
3 300...

4 INTERPRETER: Okay, sorry, I could not understand
5 what she said. 301,000, I think?

6 MR. WEINER: No, that's not what she said.

7 MS. ELBERG: I said before was high price and now
8 is low.

9 INTERPRETER: Okay, she means that this was the
10 highest price --

11 MR. WEINER: No.

12 INTERPRETER: Highest value of medallions but now
13 it is --

14 MR. KHODOROVSKI: Interpreter, Interpreter, she
15 was speaking in English. You don't need to translate. She
16 was speaking in English. Interpreter, you don't need to
17 translate from English to English.

18 MR. WEINER: Especially incorrectly.

19 INTERPRETER: Sorry for that.

20 MR. KHODOROVSKI: Interpreter, you don't need to
21 translate from English to English. You should translate
22 when she speaks Georgian.

23 MR. FORSTOT: Let me ask it this way then. What
24 do you believe today is the value of each medallion?

25 MS. ELBERG: 375.

1 MR. KHODOROVSKI: She's answering fine...

2 MR. WEINER: She's doing fine, let her answer.

3 MS. ELBERG: (Indiscernible) it's cost \$375,000.

4 MR. FORSTOT: Okay, so you believe today it's
5 worth -- each one is worth \$375,000?

6 MS. ELBERG: I think so.

7 MR. FORSTOT: Okay, and so back to my original
8 question -- where do you get that number from? Why do you
9 think 375 as opposed to 350 or 450?

10 MS. ELBERG: I hear people talks. This price is
11 now. Because they sell on the market.

12 MR. FORSTOT: Okay, who -- when you say you hear
13 people talk, who are the people that you heard talk that led
14 you to that belief as to the value?

15 MS. ELBERG: Whoever has medallions, whoever owns
16 medallions, they say.

17 MR. FORSTOT: Other than what you just testified,
18 is there any other basis you have for saying these values --
19 that the medallions are worth 375,000?

20 MS. ELBERG: I know -- I know that they were sold
21 for that price on the market.

22 MR. FORSTOT: Okay. What medallions were sold for
23 that price?

24 MS. ELBERG: (Indiscernible)

25 MR. FORSTOT: Can you give me the names of the

1 owners of the medallions that sold for that price?

2 MS. ELBERG: I don't know this.

3 MR. FORSTOT: Can you give me an auction that you
4 know of where they were sold for that price?

5 MR. KHODOROVSKI: Okay, Counsel, I don't think you
6 need to -- you're asking the same question four different
7 times. I think it's -- just limit yourself to one question.

8 MR. WEINER: There was a schedule of recent sales
9 that she looked at, and there was a sale even for 400,000.

10 MR. FORSTOT: Mr. Weiner, you're not under oath.
11 Let me ask the questions of the Debtor's representative that
12 you've tendered today at this meeting of creditors and we'll
13 get her testimony, not yours.

14 MR. WEINER: Mine's more (Indiscernible).

15 MR. FORSTOT: All right, so we'll move on to the
16 same schedule --

17 MR. KHODOROVSKI: Mr. Weiner, I'm not sure that's
18 a reason for levity.

19 MR. WEINER: No, no, I'm --

20 MR. KHODOROVSKI: Mr. Weiner, I'm not sure that's
21 a reason for levity. I'm a little confused.

22 MR. FORSTOT: Why don't we move on to the
23 schedules to Number 71 that the attorney for the U.S.
24 Trustee had asked you about briefly before. So, the loan.

25 MR. KHODOROVSKI: Okay, Interpreter, can you

1 please interpret the question for her?

2 INTERPRETER: Sure. Can you repeat the question?
3 What was the question?

4 MR. KHODOROVSKI: Yes. Mr. Forstot, please repeat
5 the question and the interpreter will translate.

6 MR. FORSTOT: We're turning in the same schedule
7 for Bracha to Question 71. It's a question within the
8 schedules that the attorney for the U.S. Trustee had
9 previously asked the Debtor's representative about. Are you
10 there? Do you see where I'm talking about?

11 MS. ELBERG: Okay, I know that my husband was
12 taking loans but I don't know anything about those loans.

13 MR. FORSTOT: Let me ask you this: Is there any
14 document like a note that shows the terms of the loan?

15 WOMAN 1: She didn't translate properly. Could
16 you re-ask the question?

17 MR. FORSTOT: Is there a note or other writing
18 that sets forth the terms of this loan?

19 MS. ELBERG: No, I don't have anything. I just
20 don't know. My husband was doing that and I don't know
21 anything about that.

22 MR. FORSTOT: Does the loan bear interest?

23 MR. KHODOROVSKI: Okay, Counsel, can you ask in a
24 much simpler way so that the interpreter -- because using
25 words like "bear", I mean, it's a little complicated for the

1 interpreter. Let me ask it somewhat differently. Is there
2 any interest on the loan?

3 INTERPRETER: That's fine. I know the word
4 "bearing".

5 MS. ELBERG: The loan was bearing like very high
6 interest.

7 MR. PIKEN?: I'm sorry. I don't think she
8 understood your question.

9 MR. WEINER: I think she was talking about your
10 client's loan, not the --

11 MR. FORSTOT: Okay, the loan --

12 MR. KHODOROVSKI: I apologize, let me interrupt
13 you. I'm going to ask the question. I think I know what
14 you're looking to get. The loan that your husband got from
15 this company, was there any interest that he had to pay back
16 to the company?

17 MS. ELBERG: 2 percent for tax returns, otherwise
18 I don't know anything.

19 MR. KHODOROVSKI: 2 percent for tax returns? I'm
20 not following that. Where did you get the number, 2 percent
21 interest from?

22 MS. ELBERG: Okay, it was written on my tax
23 returns.

24 MR. KHODOROVSKI: When is the loan due? Have you
25 made a demand of the estate to pay that loan?

1 MR. WEINER: I know exactly what they're... Don't
2 worry.

3 MR. KHODOROVSKI: Have you asked the estate to pay
4 the loan back -- your husband's estate?

5 MS. ELBERG: Okay, who should have paid me back,
6 bank or who?

7 MR. KHODOROVSKI: Okay, let me ask it differently.

8 MR. WEINER: Yeah, because I think she's not
9 understanding.

10 MR. KHODOROVSKI: Okay, the loan -- the loan that
11 the company gave to your late husband, have you made any
12 request from your late husband's estate that this loan be
13 paid back?

14 MS. ELBERG: I don't know anything about that.

15 MR. FORSTOT: You see on the document we were just
16 looking at, Question 71...

17 MR. WEINER: I don't know if I want them to know.

18 MR. FORSTOT: Are you guys...?

19 MR. KHODOROVSKI: I'm sorry, Counsel, do you want
20 a break or what are you...?

21 MR. WEINER: No, I'm sorry.

22 MR. KHODOROVSKI: Okay, so then please let Mr.
23 Forstot ask his questions.

24 MR. WEINER: I apologize, Mr. Forstot.

25 MR. FORSTOT: Thank you. If you look at the

1 document we were just looking at, please, above where it
2 says Doubtful or Uncollectable Amount, you wrote Zero, and
3 that's what you signed under oath. What did you base that
4 on that there's zero part of this loan that is doubtful or
5 uncollectable?

6 MS. ELBERG: Well, tell you the truth, I don't --
7 I'm not very knowledgeable in business affairs but whatever
8 I know -- I'm just answering whatever I know.

9 MR. FORSTOT: Look at the same document, Question
10 30, please?

11 MR. KHODOROVSKI: In which schedule?

12 MR. WEINER: It's A/B again?

13 MR. FORSTOT: Schedule A/B. It's the same
14 document -- the same thing that the U.S. Trustee's counsel
15 --

16 MR. KHODOROVSKI: No, you're referring to the
17 Statement of Financial Affairs. Because right now you're
18 looking at a different...

19 MR. WEINER: I don't see a Question 30...

20 MR. KHODOROVSKI: The Question 30 --

21 MR. FORSTOT: It's in the SOFAs?

22 MR. KHODOROVSKI: It's in the Statement of
23 Financial Affairs.

24 MR. FORSTOT: Sorry.

25 MR. KHODOROVSKI: Okay. So please re-ask your

1 question so the interpreter can understand it. Just go --

2 MR. WEINER: So that I can find it for her.

3 MR. KHODOROVSKI: You know what? Let me just make
4 a suggestion.

5 MR. WEINER: Sure.

6 MR. KHODOROVSKI: If you could ask your questions
7 in like, short one-sentence increments, make it very simple
8 words so the interpreter can very easily and quickly
9 translate, it just will make things go faster.

10 MR. FORSTOT: Thank you. We're looking at the
11 Statement of Financial Affairs, Question 30. Do you see
12 that?

13 MS. ELBERG: Yeah.

14 MR. FORSTOT: Now, in 30 it says that you
15 personally took a distribution in May of 2017 of \$21,000.
16 Do you see that?

17 MS. ELBERG: I took for lawyers, to pay.

18 MR. KHODOROVSKI: Okay, you need to answer the
19 question in Georgian, and the interpreter --

20 MS. ELBERG: I took that money out because -- for
21 distribution to give to lawyers. To pay lawyers.

22 MR. FORSTOT: Who made the decision that it was
23 appropriate to take the money out of Bracha to do that?

24 MS. ELBERG: I made the decision because it was --
25 it was mandatory just to pay people who were working for me.

1 MR. FORSTOT: Who -- what lawyer did you use to
2 pay that money with?

3 MS. ELBERG: I paid the lawyer.

4 MR. FORSTOT: I'm not saying... All right, let me
5 ask it this way. Let me ask it this way. Was it a lawyer
6 for Bracha that you used that \$21,000 to pay?

7 MS. ELBERG: I don't know their names. I just pay
8 lawyers who work for me.

9 MR. FORSTOT: When you say work for me, work for
10 who? Who do the lawyers represent?

11 MS. ELBERG: I pay like -- I need lawyers who work
12 for me to help me and not to lose everything.

13 MR. FORSTOT: And you said you don't know the
14 names of the lawyers that you paid? When you say every
15 lawyers, can you name any of them that you paid with this
16 money? When you say this -- just, we need a name.

17 MR. KHODOROVSKI: Mr. Piken -- let the record
18 reflect that Ms. Elberg pointed to Mr. Piken.

19 MR. PIKEN: There were other lawyers too, right?

20 MR. FORSTOT: Any other lawyers you paid with that
21 money? I'm sorry?

22 MS. ELBERG: Who helps me.

23 MR. FORSTOT: Who else besides Mr. Piken?

24 MR. WEINER: Do you have the names of these
25 lawyers?

1 MS. ELBERG: I don't know everybody's name, but I
2 know all the lawyers.

3 MR. KHODOROVSKI: Okay, Interpreter, can you
4 please translate this for me? Other than Mr. Piken, which
5 other lawyers did you pay in 2017?

6 MS. ELBERG: I have all papers here in front of
7 me. I don't know exact names of them.

8 MR. KHODOROVSKI: Is Mr. Weiner one of them?

9 MS. ELBERG: Yes.

10 MR. KHODOROVSKI: Okay. Mr. Forstot, you may
11 continue.

12 MR. FORSTOT: When did you start paying Mr.
13 Weiner?

14 MS. ELBERG: When I filed for bankruptcy.

15 MR. FORSTOT: The agreement with Wailing
16 Management, I want to ask you a question or two about that.

17 MR. KHODOROVSKI: Okay, so ask her to turn to a
18 particular schedule and just go through it slowly.

19 MR. FORSTOT: Okay, it's in the Schedule G.

20 MR. KHODOROVSKI: Okay, Interpreter, can you
21 please -- Mr. Weiner, please turn your client to Schedule
22 Go, G as in George.

23 MR. WEINER: Okay.

24 MR. KHODOROVSKI: Mr. Weiner, is she looking in
25 Schedule G, G as in George?

1 MR. WEINER: She is.

2 MR. KHODOROVSKI: Okay. Mr. Forstot, you may
3 continue.

4 MR. FORSTOT: Did you negotiate this agreement
5 with Wailing Management?

6 MS. ELBERG: Yes, I did.

7 MR. FORSTOT: Okay. How long is that agreement in
8 place for?

9 MS. ELBERG: Three years.

10 MR. FORSTOT: It has three more years or -- when
11 does it end?

12 MS. ELBERG: Not too much...

13 WOMAN 1: If you don't know, why don't you say
14 don't know?

15 MS. ELBERG: I don't know.

16 MR. WEINER: When it's over.

17 MS. ELBERG: I can't say.

18 MR. FORSTOT: How much per medallion do they pay
19 per month under that agreement?

20 MS. ELBERG: Now they pay me 1,200.

21 MR. WEINER: Each medallion.

22 MS. ELBERG: Each medallion.

23 MR. FORSTOT: 1,200 per month per medallion?

24 MS. ELBERG: Yes.

25 MR. FORSTOT: There's another company I noticed in

1 the other schedules that you have an agreement with besides
2 Wailing --

3 MR. WEINER: There's two other companies.

4 MR. FORSTOT: Two other companies?

5 MR. KHODOROVSKI: Just show her schedule and page
6 and... Okay.

7 MR. WEINER: There are three management companies:
8 There's Arthur Leasing, which manages for Dabri, Fit, Merab,
9 and Tamar; there's Wailing, which manages for Bracha,
10 Dovbear, and New York Genesis; and then there's Napasei Taxi
11 Management, which manages for Jackhel, Jarub, Lechaim, New
12 York Canteen, New York Energy, New York Stance, New York
13 Tint, and Somyash.

14 MR. FORSTOT: Thank you. Let me ask you the
15 questions about Arthur then. I know the attorney for the
16 U.S. Trustee had asked whether there was any relationship
17 between you or your companies other than the lease in
18 Wailing. Do you want to translate that before I move on?

19 MR. KHODOROVSKI: Interpreter?

20 INTERPRETER: Oh, yes, yes. Okay. Can you speak
21 up, sir?

22 MR. WEINER: Why don't you just simply ask her
23 whether she has any connection with any of the --

24 MR. KHODOROVSKI: You know what? Let me ask in a
25 very, very simple way. Do you own any part of Arthur

1 Leasing?

2 MS. ELBERG: No.

3 MR. FORSTOT: Does anybody else that you're
4 related to have any interest in Arthur Leasing?

5 MS. ELBERG: Nobody. Nobody.

6 MR. FORSTOT: Okay, and the same question for
7 Napiere?

8 SEVERAL: Napasei.

9 MR. FORSTOT: I'm sorry, Napasei.

10 MS. ELBERG: It's a black lady. Nice lady. I'm
11 not really like that.

12 MR. FORSTOT: I guess, let me ask this to Mr.
13 Weiner. I had similar questions obviously about the loans -
14 -

15 MR. WEINER: Right.

16 MR. FORSTOT: -- and about the distributions, and
17 about the valuations that appear repeatedly on each of
18 these.

19 MR. WEINER: Right.

20 MR. FORSTOT: I don't want to have to go
21 through...

22 MR. WEINER: Right. She would give similar
23 answers.

24 MR. FORSTOT: She would give a similar answer on
25 each one, I assume?

1 MR. WEINER: She would give similar answers, yes.

2 MR. FORSTOT: All right.

3 MR. KHODOROVSKI: Because, honestly, we can go
4 through them but that's going to take quite a while.

5 MR. FORSTOT: Right, that's my point. Okay, the
6 paper you have with you, what is -- who prepared that? The
7 bookkeeping?

8 MS. ELBERG: My bookkeeper.

9 MR. FORSTOT: The bookkeeper. Can I see it?

10 MR. WEINER: Sure.

11 WOMAN 1: Would you like a copy?

12 MR. WEINER: It's just a list of all the -- we
13 broke down the management companies --

14 WOMAN 1: Per medallion.

15 MR. WEINER: -- per medallion. How much each
16 month the medallion generates for the management company,
17 and how much the management company turns over to each of
18 the individual (Indiscernible).

19 MR. FORSTOT: We'd be happy to give you that.
20 We've already supplied the --

21 MR. KHODOROVSKI: I have a copy of it, yeah.

22 MR. FORSTOT: Okay, I don't have anything further
23 at this time.

24 MR. KHODOROVSKI: Okay. Okay, so the United
25 States Trustee -- Interpreter, please translate for me. The

1 United States Trustee and the creditors have completed
2 questions of this Debtor at this time.

3 Are there any parties -- other parties present who
4 want to ask questions now? Hearing silence, I'm going to
5 note that there are no other parties present who want to ask
6 questions. Therefore, this meeting of creditors is now
7 closed. Please tell the Debtor this meeting of creditors is
8 now closed.

9 Please thank the Debtor for coming and please
10 inform her that we are now off the record. And the time now
11 is 12:09 p.m. on the 12th of January, 2018.

12 Thank you to everyone for coming. We are now off
13 the record. Thank you.

14 (Whereupon these proceedings were concluded at
15 12:09 PM.)

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C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certified that the foregoing
transcript is a true and accurate record of the proceedings.

Sonya Ledanski Hyde

Veritext Legal Solutions

330 Old Country Road

Suite 300

Mineola, NY 11501

Date: January 31, 2018

[& - assigned]

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[assume - complicated]

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